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PATENT
Docket No.: 1662/49502

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : SINGER ET AL.
SERIAL NO. : 09/552,485
FILING DATE : April 18, 2000
FOR : NOVEL SYNTHESIS AND CRYSTALLIZATION OF
PIPERAZINE RING-CONTAINING COMPOUNDS

GROUP ART UNIT : 1624
EXAMINER : K. Habte

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RESPONSE TO OFFICE ACTION

ASSISTANT COMMISSIONER FOR
PATENTS AND TRADEMARKS
Washington, D.C. 20231

Sir:

In response to the Office Action dated August 23, 2001, Applicants respond as follows.
A three-month extension of time is being filed concurrently herewith.

REMARKS

Claims 29-45 are currently pending in the application.

I. Rejections under §§ 102(b) and 103(a) over van der Burg

The Examiner has rejected claims 44 and 45 under 35 U.S.C. § 102(b) as anticipated by van der Burg or, in the alternative, under 35 U.S.C. § 103(a) as obvious over van der Burg. The Examiner cites a family of compounds that purportedly includes mirtazapine. The Examiner also states that water solutions are known for pharmaceutical compositions. However, the Examiner does not identify anywhere in van der Burg where an adduct of mirtazapine and water, let alone the claimed composition, is disclosed. An adduct of mirtazapine and water is chemically distinct from a water solution of mirtazapine. Therefore, Applicants respectfully request that this rejection be withdrawn.